

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

DAIICHI SANKYO CO., LTD.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 1:12-cv-00423
	)	(LO/TCB)
DAVID KAPPOS,	)	
Under Secretary of Commerce for	)	
Intellectual Property and Director of	)	
the United States Patent &	)	
Trademark Office,	)	
	)	
Defendant.	)	
	)	

**ORDER**

Before this Court is the parties' joint motion to remand this civil action to the United States Patent and Trademark Office ("USPTO") for recalculation of the appropriate patent term adjustment for U.S. Patent No. 7,935,835 ("the '835 patent").

For the reasons stated and stipulations made in the parties' joint motion, and for good cause shown, it is hereby ORDERED that the parties' motion to remand is GRANTED; it is further

ORDERED that this case is REMANDED to the USPTO for further proceedings; it is further

ORDERED that this Court will retain jurisdiction over this matter while it is on remand to the USPTO; it is further

ORDERED that the parties shall file a notice with the Court (either jointly or individually) within thirty (30) days after the USPTO issues a decision on its reconsideration of the patent term adjustment for the '835 patent. In this respect, if the USPTO affords plaintiff the

relief it requested in its Complaint, the parties will enter into a joint stipulation of dismissal of the instant Complaint, and if Plaintiff disagrees with the USPTO's reconsideration decision, it may so notify the Court and request that the case be reinstated so that it may proceed; and it is further

ORDERED that all parties shall bear their own fees and costs.

Dated: May 10, 2012

/s/   
UNITED STATES DISTRICT JUDGE  
United States District Judge